

FORM 26. Docketing Statement

Form 26 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

DOCKETING STATEMENT

Case Number: 22-2069, 22-2070, 22-2071, 22-2072

Short Case Caption: Masimo Corporation v. Apple Inc.

Filing Party/Entity: Masimo Corporation

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
see attachment		

Relief sought on appeal: ☐ None/Not Applicable

Reversal of the Board's determination that any claims of the patents listed in the attachment are unpatentable.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

Claims of the patents listed in the attachment were determined to be unpatentable.

Briefly describe the judgment/order appealed from:

The Board's Final Written Decisions issued in the IPR proceedings listed in the attachment.

Nature of judgment (select one):

Date of judgment: see attachment

☐ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) _____

☒ Other (explain)

see attachment

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☐ None/Not Applicable

(i) Masimo Corporation v. Apple Inc., U.S. Court of Appeals for the Federal Circuit, Case No. 22-01631 (consolidated with Case Nos. 22-1632, 22-1633, 22-1634, 22-1635, 22-1636, 22-1637, 22-1638, 22-1972, 22-1973, 22-1975, 22-1976)
(ii) Masimo Corporation v. Apple Inc., U.S. Court of Appeals for the Federal Circuit, Case No. 22-1972 (consolidated with Case Nos. 22-1973, 22-1975, 22-1976)

Issues to be raised on appeal: ☐ None/Not Applicable

Patentability of all claims of the patents listed in the attachment that were held unpatentable by the Board.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
☐ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Masimo Corporation believes that mediation is unlikely to be productive in these cases. Masimo disagrees with the Petitioner's position in the IPR proceedings.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 8/12/22 Signature: /s/ Jeremiah Helm

Name: Jeremiah Helm

Attachment to Docketing Statement

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<u>Case Origin</u>	<u>Originating Number</u>	<u>Type of Case</u>
USPTO, PTAB	IPR2021-00193	Inter Partes Review
USPTO, PTAB	IPR2021-00195	Inter Partes Review
USPTO, PTAB	IPR2021-00208	Inter Partes Review
USPTO, PTAB	IPR2021-00209	Inter Partes Review

Nature and date of judgement (continued):

<u>Originating Number</u>	<u>Nature of Judgement</u>	<u>Date of Judgement</u>
IPR2021-00193	Final Judgement, 28 USC § 1295	6/1/2022
IPR2021-00195	Final Judgement, 28 USC § 1295	5/25/2022
IPR2021-00208	Final Judgement, 28 USC § 1295	6/1/2022
IPR2021-00209	Final Judgement, 28 USC § 1295	5/25/2022